

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.
(Snow Hill, Maryland, and)
Chincoteague, Virginia)¹

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MM Docket No. 97-73
RM-9012
RM-9063

REPORT AND ORDER
(Proceeding Terminated)

Adopted: June 18, 1997

Released: June 27, 1997

By the Chief, Allocations Branch:

1. The Commission has before it for consideration the Notice of Proposed Rule Making, 12 FCC Rcd 3508 (1997), proposing the allotment of Channel 266A to Snow Hill, Maryland, as that community's first local broadcast service. The Notice was issued in response to a petition filed by James D. Sleeman ("Sleeman"). Sleeman filed comments and reply comments reiterating his intention to apply for Channel 266A at Snow Hill. Gregory S. Bojko ("Bojko") filed a counterproposal.²

2. Bojko's counterproposal requests the allotment of Channel 266A at Chincoteague, Virginia, as that community's first local broadcast service. Bojko states that Chincoteague is an incorporated community with a population of 3,572 people, along with a town mayor and council, police and fire department, and its own post office. Bojko argues that in a comparative situation, the public interest would be better served by allocating Channel 266A to Chincoteague with a population of 3,572 people than to Snow Hill with a population of 2,217 people because Chincoteague is the larger community.

3. After consideration of the information filed in this proceeding, we believe the public interest would be served by the allotment of FM channels to Snow Hill, Maryland, and Chincoteague, Virginia, in order to provide first local service to both communities. In response to the Notice, we will allot Channel 266A to Snow Hill, Maryland, as that community's first local broadcast service. Channel 266A can be allotted to Snow Hill in compliance with the Commission's spacing requirements provided there is a site restriction 6.9 kilometers (4.3 miles)

¹ The community of Chincoteague, Virginia, has been added to the caption.

² Public notice of the counterproposal was given on May 7, 1997, Report No. 2194 (RM-9063).

east of the community.³ The site restriction will prevent a short spacing to Station WWDC, Channel 266 B, Washington, D.C.⁴ In response to the counterproposal filed by Bojko, we shall allot Channel 243A to Chincoteague, Virginia, as that community's first local broadcast service. Channel 243A can be allotted to Chincoteague in compliance with the Commission's spacing requirements without a site restriction.⁵

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective August 11, 1997, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the communities listed below, as follows:

<u>Community</u>	<u>Channel Number</u>
Chincoteague, Virginia	243A
Snow Hill, Maryland	266A

5. The window period for filing applications for Channel 243A at Chincoteague, Virginia, and Channel 266A at Snow Hill, Maryland, will open on August 11, 1997, and close on September 11, 1997.

6. IT IS FURTHER ORDERED, That the Secretary of the Commission shall send by Certified Mail, Return Receipt Requested, a copy of this Order to the following:

ABS Communication, L.L.C.	Apex Associates, Inc.
Station WKLR	Station WAAI
300 Arboretum Place, Suite 590	P. O. Box 1300
Richmond, Virginia 23236	Hurlock, Maryland 21643

7. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

³ The coordinates for Channel 266A at Snow Hill are 38-09-17 and 75-19-17.

⁴ The site restriction will also prevent a conflict with Station WAAI, Channel 265A, Hurlock, Maryland. However, Station WAAI has been modified to specify operation on Channel 263A in lieu of Channel 265A. See 10 FCC Rcd 4428 (1995). We note that Station WAAI does have a construction permit for Channel 263A (BPH-941114IF).

⁵ The coordinates for Channel 243A at Chincoteague are 37-56-00 and 75-22-36. We note that Channel 243A at Chincoteague is short spaced to Station WKLR, Channel 243B, Williamsburg, Virginia. However, the license for Station WKLR has been modified to specify Fort Lee, Virginia, as its community of license in lieu of Williamsburg in MM Docket No. 90-67. See 7 FCC Rcd 6309 (1992). Station WKLR has filed an application for Channel 243B at Fort Lee (BPH-970203ID).

8. For further information concerning the above, contact Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 243A at Chincoteague, Virginia, and Channel 266A at Snow Hill, Maryland, should be addressed to the Audio Services Division, Mass Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau